

**REMARKS/ARGUMENTS**

Reconsideration of the first Office action in view of the foregoing amendments and the following remarks is respectfully requested. Applicant notes that the examiner has indicated the allowability of claims 15-18.

Claims 1 and 12-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Gay et al. The examiner states that Gay et al. teaches an apparatus for making confections comprising a base platform having an alignment member and a confection mold tray including an alignment structure configured to engage the alignment member of the base platform.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sway. The examiner states that Sway teaches an apparatus comprising various elements, and contends that those anticipate applicant's claims 1-8.

By this amendment, applicant has canceled claims 2-4 and have amended the dependency of claims 5-7. As now recited, applicant's claim 1, which includes the limitations previously recited in claims 2-4, is believed to distinguish patentability over the references cited by the examiner.

The examiner has rejected claim 19 under 35 U.S.C. 102(b) as being anticipated by McBride, but applicant believes that the structure recited in its claim 19 includes elements not shown in McBride.

For the above reasons, applicant submits that the present application is in condition for allowance, and respectfully requests that a Notice of Allowance be issued

Appl. No. 10/071,882  
Amendment dated March 27, 2003  
Reply to Office action of September 27, 2002

forthwith. If the examiner has any questions, he is invited to contact the undersigned at the number listed below.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Honorable Commissioner for Patents, Washington, D.C. 20231, on March 27, 2003.

  
Heidi Dutro



Respectfully submitted,

KOLISCH, HARTWELL, P.C.



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